

REMARKS

Claims 1-13, 15 and 16 are now currently pending in the present application. Claim 14 has been cancelled herein. Claims 1, 4, 6, 7 and 13 have been amended to correct issues of antecedence. Claim 15 has been amended to comply with 35 U.S.C. § 101. Support for the additional amendments of claims 1 and 15 may be found in the specification, at least, at page 18, lines 1-15. New claim 16 has been added, which incorporates the subject matter of claims 1, 2 and 12. No new matter has been added by way of the present claim amendments.

Objections to the Drawings

The Examiner has objected to Figures 3-6, 9 and 11 of the present application. In response, Applicants submit herewith replacement drawings which fully address the Examiner's concerns. Applicants respectfully request withdrawal of the outstanding objection.

Objections to the Specification

The specification has been objected to as containing embedded hyperlink and/or other form of browser-executable code.

Applicants have amended the specification herein to delete recitations of hyperlink and/or browser-executable code. Accordingly, the outstanding objection has been rendered moot. Withdrawal thereof is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph – Indefiniteness

Claims 4, 6, 7, 13 and 14 stand rejected as lacking antecedent basis.

Applicants have made amendments to the claims in an attempt to fully address the Examiner's concerns. Reconsideration and withdrawal are respectfully requested.

Rejections under 35 U.S.C. § 101 – Non-Statutory Subject Matter

Claims 14 and 15 stand rejected as being directed to non-statutory subject matter.

In response to the outstanding rejections, claim 14 has been cancelled and claim 15 has been amended. Specifically, Applicants have amended claim 15 in an attempt to overcome the outstanding rejection by reciting that the computer readable medium is “tangible” which is exclusive of carrier waves or signals. Reconsideration and withdrawal of the outstanding rejection are respectfully requested.

Rejections under 35 U.S.C. § 103 – Obviousness

Claims 1-10 and 12-15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Nature Genetics, by Ge et al. (hereinafter “Ge”) in view of US Patent Publication 2005/0010566 to Cushing et al. (hereinafter “Cushing”).

Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ge and Cushing, and further in view of J. Mol. Biol. by Artymiuk et al. (hereinafter “Artymiuk”).

Applicants respectfully traverse.

Applicants are in the process of obtaining a verified English translation of Applicants’ earlier foreign priority application (JP 2003-348438 filed October 7, 2003) that supports all the claims of the U.S. application.¹ The earliest effective filing date of the present application antedates the filing date of Cushing (i.e., May 27, 2004). As such, Cushing cannot be applied against the present claims as prior art and each of the outstanding prior art rejections must be withdrawn.

¹ This statement will be updated upon receipt of the verified English translation of JP 2003-348438, which supports all of the present claims.

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Reply to Office Action of September 5, 2008

Docket No.: 1254-0304PUS1

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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